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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,574	03/11/2004	Leonard P. Norman	225009122003	2573

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EXAMINER

NGUYEN, KEVIN M

ART UNIT PAPER NUMBER

2629

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,574

Applicant(s)

NORMAN, LEONARD P.

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/11/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Woolman (US 6,433,779).

3. As to claim 1, figures 1 and 3 of Woolman disclose a computer mouse cover for a computer mouse, comprising:

an anterior width of material *[a front portion 5]*; and

a posterior width of material *[a rear portion 6]*, in communication with said anterior width of material *[the rear portion 6 and the front portion 5 are integrated into the communication]*;

wherein said anterior width of material is larger than said posterior width of material *[the front portion 5 is largely hollow on the bottom and front, and the rear portion 6 is sized and shaped as to fit under the palm of the user's small hand, col. 3, line 58 to col. 4, line 13. Thus, the front portion 5 is larger than the rear portion 6, see figures 1 and 3 as show below]*.

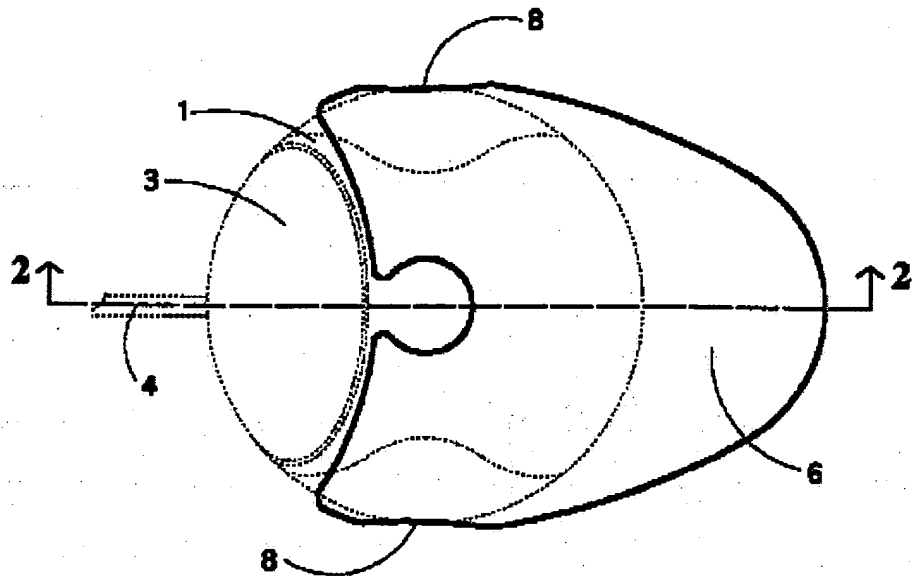


FIG. 1

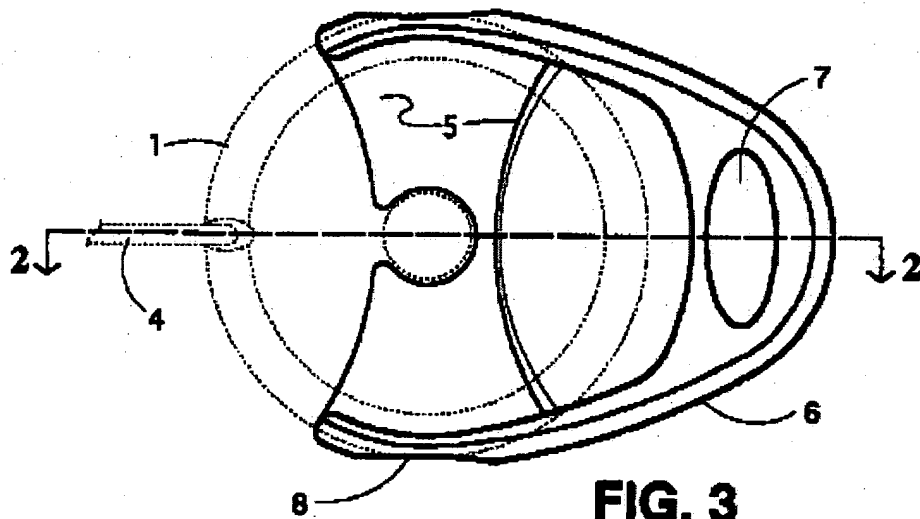


FIG. 3

4. As to claim 2, the computer mouse cover of claim 1, wherein said anterior width of material is flexible, *whereas Woolman discloses that limitation in the abstract.*

5. As to claim 3, the computer mouse cover of claim 1, wherein said posterior width of material is flexible, *whereas Woolman further discloses that limitation in the abstract.*

6. As to claim 4, the computer mouse cover of claim 1, wherein said anterior width of material is measured between anterior ends of side walls of the computer mouse, *whereas Woolman further discloses "[a]s shown in FIGS. 6 and 7, the extension device is comprised of an elongated top wall 10 with a front end and a rear end. Opposite side walls 11 extend down from opposite sides of top wall 10. Side walls 11 have arcuate interior surfaces 12 adjacent front ends thereof" col. 4, lines 14-17.*

7. As to claim 5, the computer mouse cover of claim 1, wherein said posterior width of material is measured between posterior ends of side walls of the computer mouse, *whereas Woolman further discloses "[a] front opening F fully extends between the front ends of side walls 11, and a bottom opening B fully extends between the lower ends of side walls 11" col. 4, lines 18-23.*

8. As to claim 6, the computer mouse cover of claim 4, wherein said posterior width of material is measured between posterior ends of side walls of the computer mouse, *whereas Woolman further discloses "[a] front opening F fully extends between the front ends of side walls 11, and a bottom opening B fully extends between the lower ends of side walls 11" col. 4, lines 18-23.*

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9. As to claim 7, the computer mouse cover of claim 1, further comprising curved tips protruding perpendicular to and in communication with said posterior width, *whereas Woolman further discloses "[a] bottom opening B fully extends between the lower ends of side walls 11" col. 4, lines 18-23. Thus, one skilled in the art to recognize that the vertical wall of a protrusion at B is perpendicular with respect to the horizontal surface 2.*

10. As to claim 8, the computer mouse cover of claim 7, wherein said curved tips are formed to engage the front of the computer mouse, *whereas Woolman discloses a computer cover mouse is made to fit snugly over the circular form of the host mouse, col. 3, lines 50-53.*

11. As to claim 9, the computer mouse cover of claim 1, wherein said anterior width of material is formed to engage the anterior ends of side walls of the computer mouse, *whereas Woolman discloses "the interior surface of this portion of the device is moulded to match the outer form of the host mouse and remains registered with and attached to same by way of friction at the contacting surfaces" col. 3, lines 54-58.*


12. As to claim 10, the computer mouse cover of claim 1, wherein said posterior width of material is formed to engage the posterior ends of side walls of the computer mouse, *whereas Woolman further discloses "[t]he device has a front portion 5 whose primary purpose is to grip or adhere to the host mouse" col. 3, lines 53-54.*

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin M. Nguyen
Patent Examiner
Art Unit 2629

KMN
October 12, 2006